

DRINKING WATER & WASTEWATER PROFESSIONALS
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 8/2/2017

BOARD MEMBERS PRESENT: Dr Joan M Cloonan - Chair
Brad D Andersen
Daniel J Messier
Michael W Shepherd
Paul D Sifford
Barry N Burnell

BOARD MEMBERS ABSENT: Michael Parker

BUREAU STAFF: Dawn Hall, Administrative Support Manager
Marcie Rightnowar, Appeals/Hearings Coordinator
Maurie Ellsworth, General Counsel
Mitchell Toryanski, Legal Counsel
Dicsie Gullick, Management Assistant
Kellie LaBonte, Technical Records Specialist II

OTHERS PRESENT: Michael Brown, DEQ – Twin Falls Office
Tony Parks, City of Meridian
Heath Ransom, Cataldo Water District
Kevin McLeod, IRWA

The meeting was called to order at 8:30 AM MDT by Dr Joan M Cloonan.

Mr. Shepherd made a motion to accept the amended agenda. It was seconded by Mr. Andersen. Motion carried.

BOARD MEMBER INTRODUCTION

The Board welcomed Mr. Paul Sifford and thanked him for his willingness to serve on the Board; the other members of the Board introduced themselves. The Board noted that Mr. Michael Parker was also appointed to serve as a Board member, but was unable to attend the meeting.

APPROVAL OF MINUTES

Mr. Andersen made a motion to approve the minutes of 5/3/2017. It was seconded by Mr. Shepherd. Motion carried.

PUBLIC COMMENT

Dr. Cloonan asked the members of the audience if anyone wished to address the Board. There was no one who wanted to address the Board.

EXECUTIVE ORDER

Mr. Toryanski reviewed the Executive Order issued by Acting Governor Little which requires State agencies to submit a report to the Office of the Governor no later than July 1, 2018. The report will assess whether the licensure requirements are necessary and in the public interest while providing recommendations for improvement, modification or elimination. Mr. Toryanski also updated the Board on the information and process for public comment which has been added to the Board's website. Mr. Burnell made a motion to authorize Dr. Cloonan to work with Ms. Cory on this issue. It was seconded by Mr. Andersen. Motion carried.

LEGISLATIVE REPORT

Mr. Toryanski gave the legislative report. The deadline to submit proposed legislative ideas to the Governor's Office was July 14, 2017 and the deadline to submit proposed law and rule changes to the Governor's Office is August 18, 2017 for the 2018 Legislative Session.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$384,326 as of 6/30/2017.

Ms. Hall presented the contract renewal. The Board discussed the contract and asked Ms. Hall to make adjustments and bring it back to the Board later in the meeting.

INVESTIGATIVE REPORT

Ms. Rightnowar gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Mr. Messier made a motion to approve the Bureau's recommendation and authorize closure in cases I-WWP-2017-3, I-WWP-2018-3, and I-WWP-2018-5. It was seconded by Mr. Shepherd. Motion carried.

TO DO LIST

The Board reviewed the to-do list. Discussion was held regarding various subcommittees. The subcommittee reviewing continuing education course approval applications will include Mr. Sifford and Mr. Parker.

Mr. Burnell made a motion to add Mr. Shepherd to the subcommittee working on the development of the apprenticeship program. It was seconded by Mr. Andersen. Motion carried.

UPDATE ON APPRENTICESHIP PROGRAM

Mr. Michael Brown, from the Twin Falls Regional Office of the Department of Environmental Quality, provided an update regarding the apprenticeship program. The committee is still processing the results of the survey and hopes to have the need to know criteria and an outline of the training ready to present to the Board at the next Board meeting.

PROFESSIONAL OPERATOR CERTIFICATION DISCUSSION

The Board discussed the information provided by Mr. Mike McClenathan regarding Professional Operator Certification. In order for the Board to consider the Professional Operator Certification, changes would need to be made to the Board's laws and rules. This topic has been assigned to the subcommittee reviewing the apprenticeship program. The Board asked the subcommittee to research the structure and concepts and be ready to propose ideas to the Board at the next meeting.

OPERATOR LICENSURE PRESENTATION

The meeting dates for the Idaho Rural Water Association conference have been set, March 21-23, 2018. Ms. LaBonte will present a session regarding Operator Licensure.

GUIDELINES FOR BACKFLOW ASSEMBLY TESTER COURSE

Ms. Hall presented a draft revision of the guidelines for Backflow Assembly Tester Instructors and Courses, which is posted to the website. The change to this document is when an instructor/course has been approved, this information will appear on the Board's website. Further discussion was held.

Mr. Messier made a motion to remove item number 6 regarding class pass rate from the list of guidelines and approve posting the revised BAT Instructors and Course Guidelines. It was seconded by Mr. Andersen. Motion carried.

AFFIDAVITS DOCUMENTING RESPONSIBLE CHARGE

The Board reviewed the chart documenting applicants that need additional information regarding responsible charge because the responsible charge time is listed as 24/7 or counting on call time. This chart is updated by Ms. LaBonte after each meeting with applicants that the Board has flagged. The Board determined that clarification is needed as to a definition of what time can be counted for responsible charge time, but it would require a law or rule change.

BOARD ELECTION

Mr. Andersen made a motion to elect Dr. Cloonan as Board Chair. It was seconded by Mr. Shepherd.

Mr. Burnell made a motion to close nominations for Board Chair. It was seconded by Mr. Sifford. Motion carried.

The Board voted on the original motion for Board Chair. Motion carried.

Mr. Messier made a motion to elect Mr. Shepherd as Board Vice-Chair. It was seconded by Mr. Andersen.

Mr. Burnell made a motion to close nominations for Board Vice-Chair. It was seconded by Mr. Sifford. Motion carried.

The Board voted on the original motion for Board Vice-Chair. Motion carried.

SYSTEM CLASSIFICATION DISCUSSION

Ms. LaBonte said that the Department of Environmental Quality has added a column to the public drinking water system classification list showing courtesy classifications. Mr. Burnell will check into similar identification regarding courtesy classifications for public wastewater systems.

EXAMINATION PROCESS DISCUSSION

Ms. LaBonte said that she is receiving a high volume of phone calls from individuals who have taken the initial Backflow Assembly Testers course. The individuals seem unaware that an application for licensure needs to be submitted. After discussion, Ms. LaBonte will work with Mr. Andersen to develop a handout for those attending the initial Backflow Assembly Tester courses outlining the steps to take to become licensed and to have a similar version (to include all license types) posted on the Board's website.

CONTINUING EDUCATION AUDIT DISCUSSION

Ms. Hall said that for all of the Boards the Bureau serves, audits are based on the license, not the licensee. This situation has caused some concern for this Board since one individual may hold more than one license, sometimes five or more licenses. Ms. LaBonte said that several comments were made from licensees during the recent audit indicating that they feel like they are always being audited.

Mr. Messier made a motion to change the audit process and the program for this Board to audit licensees versus licenses. It was seconded by Mr. Shepherd. Motion carried.

EXECUTIVE SESSION

Mr. Shepherd made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Mr. Burnell. The vote was: Dr. Cloonan, aye; Mr. Andersen, aye; Mr. Messier, aye; Mr. Shepherd, aye; Mr. Sifford, aye; and Mr. Burnell, aye. Motion carried.

Mr. Andersen made a motion to come out of executive session. It was seconded by Mr. Shepherd. The vote was: Dr. Cloonan, aye; Mr. Andersen, aye; Mr. Messier, aye; Mr. Shepherd, aye; Mr. Sifford, aye; and Mr. Burnell, aye. Motion carried.

RENEWAL FORM REVIEW

Mr. Messier made a motion to strike "or crime" in regard to the question relating to having a felony on the renewal form. It was seconded by Mr. Andersen. Motion carried.

ASSOCIATION OF BOARDS OF CERTIFICATION

The Board reviewed the 2016 Pass/Fail Report and information regarding exam structure. No action was taken.

The Board discussed the possibility of becoming more involved with ABC. The Board discussed that it may be best to wait until the apprenticeship program is developed.

The Board will decide at the next meeting which Board members will attend the annual ABC conference in January 2018.

CORRESPONDENCE

The Board reviewed correspondence from Ms. Leslie Wilder regarding Backflow Assembly Testers. Mr. Shepherd made a motion for Ms. LaBonte to respond to Ms. Leslie Wilder's e-mail citing the following Board Rules 650.01(a) and 650.03(c)(i). It was seconded by Mr. Messier. Motion carried.

The Board reviewed an e-mail from the Department of Environmental Quality from the state of Alaska. The Board directed Ms. LaBonte to forward the e-mail to Mr. Burnell so it may be answered by staff at the Idaho DEQ.

EXECUTIVE SESSION

Mr. Burnell made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Mr. Shepherd. The vote was: Dr. Cloonan, aye; Mr. Andersen, aye; Mr. Messier, aye; Mr. Shepherd, aye; Mr. Sifford, aye; and Mr. Burnell, aye. Motion carried.

Mr. Burnell made a motion to come out of executive session. It was seconded by Mr. Messier. The vote was: Dr. Cloonan, aye; Mr. Andersen, aye; Mr. Messier, aye; Mr. Shepherd, aye; Mr. Sifford, aye; and Mr. Burnell, aye. Motion carried.

APPLICATIONS

The Board reviewed 106 applications. Mr. Burnell made a motion to approve 31 applications for licensure; to approve 58 applications for exam; to deny 9 applications based on Idaho Code § 54-2409(3)(d) and per rules as noted in application file; and to hold 8 applications pending more information. It was seconded by Mr. Shepherd. Motion carried.

Approved for Licensure

ANDERSON THOMAS R	WWT1-21888
BETTERLEY GUSTAV	WWC1-22027
BRUNA JOSEPH ROBERT WALKER	BAT-21978
DAVIS DOUGLAS W	BAT-22024
ERICKSON RAPHAEL	WWT1-21982
EVERHART KENNETH NEAL	DWD1-22019
EVERHART KENNETH NEAL	DWT1-22018
FRANK JASON LESLIE	WWT1-22030
FRANK JASON LESLIE	WWC1-22029
GALLOWAY JOHN MICHAEL	DWD1-21937
GARDNER THOMAS JOSEPH	DWT3-22025
GARDNER THOMAS JOSEPH	DWD4-22026
HERRES RYAN	BAT-21977
HOLT TODD EARL	WWC1-21919
HOLT WILLIAM CODY	WWC1-22011
KOLAR AARON RUSSEL	DWT1-22010
KOLAR AARON RUSSEL	DWD1-22009
MASON RYAN ALAN	DWD1-21992

MASON RYAN ALAN	DWT1-22020
MASON RYAN ALAN	WWC1-21991
MATTOS JAMES RAYMOND	WWC1-22031
MCELROY DAVID MICHAEL	BAT-22023
PARKINSON DUSTIN ALAN	WWC1-21900
PARKINSON DUSTIN ALAN	WWT1-21901
PARKS TONY	WWC3-21842
SEIBER SEBASTIAN	WWT1-21913
STROUD JEREMY DEAN	DWD1-21941
TAFF DANIEL RAGAN	DWD1-22012
WAITE ROBERT LYNN	WWT1-21909
WINGET TIMOTHY LEROY	DWT1-21943
YOCKEY TIMOTHY WAYNE	DWD1-22002

Approved for Exam

ALMGREN GARY	DWDVSWWS
ARREOLA SALVADOR	WWT4
ASPEYTIA ARMANDO	DWD3
BABB JAMES W	DWD1
BABB JAMES W	DWT1
BANN CHRISTOPHER MICHAEL	DWT4
BOWMAN PHILLIP	DWD3
CASE DON R	DWT1
CREEK CASEY DAKOTA	DWDVSWWS
DAVILA MATTHEW RENE	DWD3
EHINGER BRANDON M	WWC4
ESPINOLA MIGUEL	WWC3
FALKINGHAM WILLIAM D	WWC4
FAZIO THOMAS L	WWC1
FREEMAN JASON	WWT1
GARLAND DANIAL EDWARD	DWD2
GRAHAM WILLIAM ROGER	WWT3
HADLEY TAYLOR KENNETH	DWD1
HARTLEY CHARDON	DWD1
HARWOOD JON MARK	DWD1
HOLT TODD EARL	WWTLA
IRBY JAY THOMAS	WWC4
JENNINGS ADAM SCOTT	WWL1
KISSIRE TRAVIS J	WWT2
KURIEN SAUMIA SUSAN	WWL2
LACY BRYAN A	DWT2
LAYMON TRENT	WWTOIT
LENZ CONNOR	WWTLA
LIVESAY PAUL	DWD2
LOUGHMILLER JOSE M	WWTLA
MARSHALL JARED	DWD2

MAUGHAN TRAVIS MARLIN	WWTL
MAUGHAN TRAVIS MARLIN	DWT1
MAUGHAN TRAVIS MARLIN	WWC1
MCCORMICK KYLE	WWT2
MCCORMICK KYLE	DWT2
MCCRACKEN DYLAN F	WWT2
MCKINNEY GARY RUSSELL CLAY	DWD2
MITCHELL BRETT LEROY	WWT1
MURRAY RICKY L	WWC1
PEHRSON THAYNE SHAWN	DWT1
PERRY DONALD M	WWT2
PERRY DONALD M	WWL1
PETERSON DUSTIN D	DWD3
RANSOM HEATH CARY	DWDOIT
REEVES KENNETH J	WWC1
RICE WESLEY JAMES	WWTLA
SMITH JAMEN KEL	DWD2
SPECK MELISSA AMBER	DWT1
SUWANRIT FRANK S	DWDOIT
SUWANRIT FRANK S	WWTLA
THIEME DUSTIN MICHAEL	WWC3
THOMPSON RUSTIN D	DWD2
TIMAR EVAN DEAN	WWT2
WALCHLY RALPH	WWT1
WASSMUTH KYLE	WWC3
WEISKIRCHER BRADY	DWD1
WOODBIDGE DALTON	WWC1
WYLIE KEVIN S	DWD1

Denied based on Idaho Code § 54-2409(3)(d) and per rules as noted in application file

JAMES GEORGE RUSSELL
 HAVLIN IAN LEE
 RIEHL KEVIN EUGENE
 SUWANRIT FRANK S
 TUCKER TERRY G
 YOCKEY TIMOTHY WAYNE
 GRIESER BRYAN JAMES
 DINUBILO DENNIS R
 CAMBURN JESSIE ALLEN

Pending

901152702
 901144437
 901110292

901146488
901132703
901151477
901066120
901061740

Mr. Andersen made a motion for Idaho to accept endorsement applicants from Washington for Backflow Assembly Tester licensure so long as all of the requirements are met. It was seconded by Mr. Shepherd. Motion carried.

Mr. Burnell made a motion for Ms. LaBonte to contact Idaho Rural Water Association informing them of an error that was made regarding a course's approval for pumps and motors for very small wastewater systems. It was seconded by Mr. Andersen. Motion carried.

Ms. Hall provided a revised contract. Mr. Messier made a motion to approved the revised contract and authorize the Board Chair to sign. It was seconded by Mr. Burnell. Motion carried.

Mr. Messier made a motion to move forward in sending a licensee's continuing education for reinstatement to the investigative unit with an additional 120 days or as determined by investigative unit staff. It was seconded by Mr. Shepherd. Motion carried.

Mr. Shepherd made a motion to approve an applicant's request for a medical waiver for continuing education. It was seconded by Mr. Andersen. Motion carried.

FUTURE AGENDA ITEMS

Mr. Shepherd would like add plaques for recognition of Board member service to the next agenda.

Mr. Burnell would like to add collections endorsement application process from the state of California to the next agenda.

NEXT MEETING

The Board reviewed the meeting dates and times posted to its website. The meetings are scheduled for:

November 1, 2017 at 8:30 AM
February 7, 2018 at 8:30 AM
May 2, 2018 at 8:30 AM
August 1, 2018 at 8:30 AM
November 7, 2018 at 8:30 AM

ADJOURNMENT

Mr. Burnell made a motion to adjourn the meeting at 2:35 PM. It was seconded by Mr. Andersen. Motion carried.

Dr Joan M Cloonan, Chair

Brad D Andersen

Daniel J Messier

Michael W Shepherd

Paul D Sifford

Barry N Burnell

Tana Cory, Bureau Chief